

REMARKS/ARGUMENTS

In the Office Communication mailed September 19, 2008, as entered in the above-captioned matter, Claims 1-4 and 6-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 7,065,709 to Ellis et al. (hereinafter referred to as "Ellis") in view of U.S. Patent No. 7,149,983 to Robertson et al. (hereinafter referred to as "Robertson"). Claims 5 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Robertson and further in view of U.S. Pat. Publication 2005/0278741 to Robarts et al. (hereinafter referred to as "Robarts"). These rejections are respectfully traversed and reconsideration respectfully requested. Based on the foregoing amendments, and the following remarks, the Applicant respectfully request allowance of claims 1-17 pending in this application.

The Applicant has amended independent claims 1, 10 and 12. Support for these amendments to claims 1, 10 and 12 can be found throughout the application and, in particular, at paragraphs [0036-0039] and [0042], and in FIG. 4.

Applicant has also amended FIG. 4. In amended FIG. 4, "1st Filter Criterion B" has been corrected to "2nd Filter Criterion B."

Rejections Under 35 U.S.C. § 103(a)

Claims 1-4 and 6-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Robertson. As clearly shown in FIG. 4 (reproduced at the right), Applicant provides for simultaneously displaying a horizontal row (31 and 33) of first and second pluralities of user-selectable characterizing descriptor criteria along with a horizontal row (32) of characterizing descriptors that

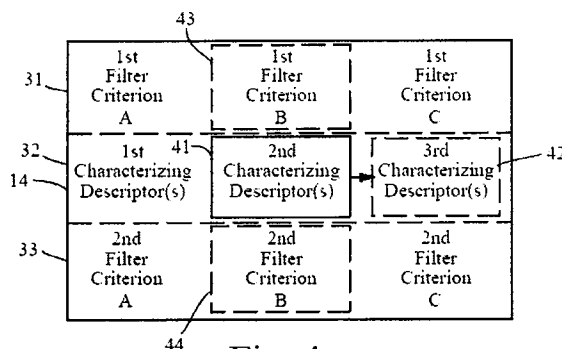


Fig. 4

correspond to a present setting of the first and second plurality of user-selectable characterizing descriptor criteria. Applicant also provides that the row (32) of characterizing descriptors that corresponds to the present setting of the first and second plurality of user-selectable characterizing descriptor filter criterion is positioned between the two rows (31 and 33) of user-selectable characterizing descriptor criteria. This feature of Applicants invention is shown in FIG. 4 and discussed in paragraphs [0036-0039] and [0042].

This method of displaying filter criteria and results is clearly different from Ellis and Robertson. Ellis does not disclose an apparatus or method that simultaneously displays user-selectable filter criteria along with the results of the present setting of the filter criteria. Ellis discloses, for example in Figure 9, a system in which single filter criteria are displayed without displaying any results of the present setting of the filter criteria.

Robertson does not disclose an apparatus or method that simultaneously displays user-selectable filter criteria in horizontal rows. Moreover, Robertson does not disclose that the results of the present setting of the filter criteria are displayed in a row between the two rows of user-selectable characterizing descriptor criteria. Rather, Robertson shows that the filter criteria are disclosed as vertical lists within windows and that the results of the query based on the filter criteria are displayed as a list of programs in a separate window below the windows containing the filter criteria. The system of Robertson has the disadvantage that the results are not displayed in a position relative to the filter criteria such that the results can be easily viewed as different filter criteria are selected.

Applicant provides for a system that is different than Ellis and Robertson, at least with respect to the orientation of the filter criteria and the positioning of the filter criteria and results. Applicant provides for a display in which the filter criteria are displayed as horizontal rows of user-selectable items and where the results of the present setting of the filter criteria are displayed in a horizontal row between the rows of user-selectable filter criteria. As described in paragraphs [0036-0039] and [0042], the user can scroll along the rows of first and second filter criteria to select other filter criterion. The resulting characterizing descriptors corresponding to the selected

filter criteria are displayed between the rows of filter criteria. The user can easily scroll upward or downward from the row of results to select different filter criteria. As the user selects different filter criteria, the results change. The orientation of filter criteria and results as described by Applicants permit the user to conveniently select different filter criteria by moving the areas of focus and simultaneously view the results in close visual proximity to the filter criteria.

Claims 1, 10 and 12

These differences are well set forth in independent claims 1, 10 and 12. For example, claim 1, as amended, reads in pertinent part “a first plurality of user-selectable characterizing descriptor filter criteria as corresponds to the first characterizing descriptor filter, the first plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria” and “a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter, the second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria” and “the portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of characterizing descriptors positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable characterizing descriptor filter criteria.” Independent claims 10 and 12 include similar limitations.

Claims 2-9, 11, and 13-17

Claims 2-9, 11, and 13-17 are ultimately dependent on one of claims 1, 10 and 12, which claims have been shown to be allowable above. While the Applicant believes that other arguments are available to highlight the allowable subject matter presented in various of the dependent claims, the Applicant also believes that the comments set forth herein regarding the allowability of the independent claims are sufficiently compelling to warrant

U.S. Patent Application No. 10/806,832
Response to Office Action Dated December 19, 2008
Office Action dated September 19, 2008

Attorney Docket No. 7114/81205

present exclusion of such additional points for the sake of brevity and expedited consideration.

CONCLUSION

For the foregoing reasons, it is submitted that claims 1-17 are in condition for allowance, and reconsideration and allowance of claims 1-17 are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully requested, .

FITCH, EVEN, TABIN & FLANNERY

By: /Joseph F. Marinelli/
Joseph F. Marinelli
Registration No. 46,898

Date: December 19, 2008

120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-4277
Telephone: (312) 577-7000